Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103-252, set out as a note under section 9832 of this title.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

### CHAPTER 116—EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

#### SUBCHAPTER I-EMERGENCY PLANNING AND NOTIFICATION

Sec.

11001. Establishment of State commissions, planning districts, and local committees.

- (a) Establishment of State emergency response commissions.
- (b) Establishment of emergency planning districts.
- (c) Establishment of local emergency planning committees.
- (d) Revisions.

11002. Substances and facilities covered and notification.

- (a) Substances covered.
- (b) Facilities covered.
- (c) Emergency planning notification.
- (d) Notification of Administrator.

11003. Comprehensive emergency response plans.

- (a) Plan required.
- (b) Resources.
- (c) Plan provisions.
- (d) Providing of information.
- (e) Review by State emergency response commission.
- (f) Guidance documents.
- (g) Review of plans by regional response teams.

11004. Emergency notification.

- (a) Types of releases.
- (b) Notification.
- (c) Followup emergency notice.
- (d) Transportation exemption not applicable.

Emergency training and review of emergency 11005. systems.

- (a) Emergency training.
- (b) Review of emergency systems.

### SUBCHAPTER II—REPORTING REQUIREMENTS

11021. Material safety data sheets.

- (a) Basic requirement.
- (b) Thresholds.
- (c) Availability of MSDS on request.
- (d) Initial submission and updating.
- (e) "Hazardous chemical" defined.

11022. Emergency and hazardous chemical inventory forms.

- (a) Basic requirement.
- (b) Thresholds.
- (c) Hazardous chemicals covered.
- (d) Contents of form.
- (e) Availability of tier II information.
- (f) Fire department access.
- (g) Format of forms.

11023. Toxic chemical release forms.

- (a) Basic requirement.
- (b) Covered owners and operators of facilities.
- Toxic chemicals covered.
- (d) Revisions by Administrator.
- (e) Petitions.
- (f) Threshold for reporting.
- (g) Form.
- (h) Use of release form.
- (i) Modifications in reporting frequency.
- (j) EPA management of data.

- (k) Report.
- (l) Mass balance study.

#### SUBCHAPTER III—GENERAL PROVISIONS

11041. Relationship to other law.

- (a) In general.
- (b) Effect on MSDS requirements.

11042. Trade secrets.

- (a) Authority to withhold information.
- (b) Trade secret factors.
- (c) Trade secret regulations.
- (d) Petition for review.
- (e) Exception for information provided to health professionals.
- Providing information to Adminis $trator; \ availability \ to \ public.$
- (g) Information provided to State.
- (h) Information on adverse effects.
- (i) Information provided to Congress.

11043 Provision of information to health professionals, doctors, and nurses.

- (a) Diagnosis or treatment by health professional.
- (b) Medical emergency.
- (c) Preventive measures by local health professionals.
- (d) Confidentiality agreement.
- (e) Regulations.

11044. Public availability of plans, data sheets, forms, and followup notices.

- (a) Availability to public.
- (b) Notice of public availability.

11045. Enforcement.

- (a) Civil penalties for emergency planning.
- (b) Civil, administrative, and criminal penalties for emergency notification.
- (c) Civil and administrative penalties for reporting requirements.
- (d) Civil, administrative, and criminal penalties with respect to trade secrets.
- (e) Special enforcement provisions for section 11043.
- (f) Procedures for administrative penalties

11046. Civil actions.

- (a) Authority to bring civil actions.(b) Venue.
- (c) Relief.
- (d) Notice.
- (e) Limitation.
- (f) Costs.
- (g) Other rights.
- (h) Intervention.
- 11047. Exemption.
- 11048. Regulations.
- 11049. Definitions.
- Authorization of appropriations. 11050.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 7412, 9604, 9620, 13108 of this title; title 49 section 5116.

# SUBCHAPTER I—EMERGENCY PLANNING AND NOTIFICATION

## §11001. Establishment of State commissions, planning districts, and local committees

## (a) Establishment of State emergency response commissions

Not later than six months after October 17, 1986, the Governor of each State shall appoint a State emergency response commission. The Governor may designate as the State emergency response commission one or more existing emer-